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EXAMINER

KOYAMA, KUMIKO C

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/705,036

Applicant(s)

SOLAN ET AL.

Examiner

Kumiko C. Koyama

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because it includes reference number "10."

Correction is required. See MPEP § 608.01(b).

### *Claim Objections*

2. Claims 1-18 are objected to because of the following informalities:

Re claims 1-18: The numbering of the claims should not be in parenthesis. "(1)" should be changed to --1.--.

Re claims 9, 11 and 12: "said vehicle" should be changed to --a vehicle--.

Re claim 13: "said second code" should be changed to --a second code--.

Re claims 15 and 18: "said shipment" should be changed to --a shipment--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Handy (US 4,832,204) in view of Benson et al (US 5,635,693, cited by the applicant).

Re claims 1 and 3-5: Handy discloses a package handling and sorting system, as shown in Fig. 1, that has a reception area to receive an item 38 (col.5 lines 39-41), places the item 38 at a certain location within the reception area (col.5 lines 39-41), has a bar code label 30 indicating a status of the item 38 (col.2 lines 59-61), and ships the item 38 (col.2 lines 64-66). Handy discloses that the item 38 is to be delivered to a certain destination and stores the item 38 to the certain destination (col.4 lines 44-45). Handy also discloses that after the destination is determined, a transportation 58 of the item 38 is arranged respect to its destination (col.1 lines 16-17). Handy also teaches that a report may be generated to locate the item 38 (col.2 lines 67+).

Handy fails to teach placing a location determination device upon the item, and the item comprising a vehicle.

However, Benson shows a method for tracking vehicles 105 in vehicle lots 101 using a RF tag 210 (col.3 lines 48-57).

Therefore, in view of Benson's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to provide a RF tag 210, which is a location determination device, upon a vehicle to the teachings of Handy in order to quickly/readily locate the vehicle within the reception area whereas one would walk around the premise to locate the vehicle.

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4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Handy as modified by Benson as applied to claim 1 as discussed above, and further in view of Jaekle (US 3,661,098). The teachings of Handy as modified by Benson have been discussed above.

Handy as modified by Benson fails to teach that a transportation carrier comprises a railcar.

Jaekle teaches a transportation carrier comprising a railcar 10 (Fig 1, col.2 lines1-2).

In view of Jaekle, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the teachings of Jaekle to the teachings of Handy as modified by Benson because it would have been more cost efficient to utilize a railcar since it transports a larger number of vehicles than a truck. Furthermore, it would have also been more time efficient, depending on the destination of the shipment, due to less traffic on railroad than on truck roads.

5. Claims 7-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benson in view of Handy.

Re claims 7-12: Benson discloses a method comprising of providing identification 602 for a vehicle 105 (col.4 lines 4-5), providing and placing a RF tag 210 on the vehicle, communicating the identification 602 to the RF tag 210 (col.3 lines 51-53, col.4 lines 21-24), and using the RF tag 210 to locate the vehicle 105 (col.4 lines 47-48). Benson also teaches to provide identifications for representing a status and a location of the vehicle, and these identifications also communicating to the RF tag 210 and stored into a computer (col.4 lines 45-46, col.8 lines

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33-36). Furthermore, Benson discloses that an identification representing a location of the vehicle is altered in response to the movement of the vehicle (col.8 lines 53-59).

Benson fails to disclose a shipping method of the vehicle 105 and comprising an identification for a certain destination, where the vehicle is shipped. Benson also fails to assign the vehicle to a conveyance.

However, Handy discloses a shipping method of an item 38 as shown in Fig. 1, identifying a destination, where the item 38 is shipped, and arranges transportation 58 for the items to be delivered (col.1 lines 9-17).

In view of Handy's teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to integrate the conventional shipping method to the teachings of Benson because it would have been easier to locate a vehicle in the system and all vehicles with the same destination can be transported in a single conveyance. Therefore, such modification would further provide Benson with a more efficient and effective means for locating and batch vehicles, resulting in reducing the cost and time factors.

Re claims 13-18: Benson discloses a method comprising of providing a first identification 602 representing an identification number of a vehicle 105, providing and placing a RF tag 210 upon the vehicle to locate the vehicle 105, receiving and storing the vehicle (col.3 lines 60-65), providing a second unique identification 603 (col.12 lines 5-9), storing the first and second identification within a computer 130 (col. 7 line 24-26, col. 15 line 34-38, fig 6A), vehicle identification records including vehicle identifications assigned by the dealer indexed on identification field for referencing means and for fast file access (col. 9, lines 28-32, fig 3 A, fig 6A), providing and storing within the computer 130 a fourth identification representing a status

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of the vehicle (col.7 lines 24-26, col. 15 line 34-38, fig 6A), and utilizing the computer 130 and the RF tag 210 to locate the vehicle 105 (col. 7 lines 17-19, fig.6A). Benson teaches that a RF tag 210 comprises a transceiver (col.4 lines 6-9). Benson also discloses a method wherein the vehicle is held within a yard and comprising of providing and storing within the RF tag 210 a fifth identification 625 representing a location of the vehicle within the yard, and altered effective to represent a movement of the vehicle within the yard (col.8 lines 53-69).

Benson fails to disclose a third code, which represents a destination of the vehicle.

Handy discloses a shipping method that ships an item that has a bar code attached to the item and the bar code including a destination of the item (col.2 lines 59-66).

In view of Handy, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the teachings of Handy into the teachings of Benson in order to clearly show where the vehicle is intended to be shipped to and to utilize the code to confirm that a vehicle has been shipped to the destination.

As mentioned above, Benson also teaches that the identifications are stored within a computer 103 (col 7 lines 24-26, col 15 lines 34-38) as well as within a RF tag 210 (col 3 line 67-col 4 line 3).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ the teachings of Benson to store a third code as mentioned above within a computer and within the RF tag 210.

Re claim 15: Although Benson teaches an identification representing a status of a vehicle, he fails to teach that the identification may prevent a shipment of a vehicle.

However, Benson teaches that if service is performed to a vehicle, a check is made when the vehicle leaves to assure that all service was completed 347 and the bill is paid 352 (col. 9, lines 43-45, fig 3D, fig 5). Benson also teaches that if the service is not complete, then an algorithm sends a message to the appropriate managers terminal (col 10 lines 33-36) so that the managers may initiate appropriate action (col 5 lines 1-3).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to check an identification representing a status of a vehicle and if the identification fails to permit the vehicle to leave the lot or to be shipped to a destination, for example due to incomplete service, the identification may initiate to send a message to the appropriate managers so that they can take appropriate action, which may prevent the vehicle from leaving the lot. Therefore, assuring the vehicle's safety and providing a better quality service to customers.

Re claim 18: Although Benson does not teach a sixth code indicating a shipment of a vehicle, Handy teaches that a computer 90 receives information 87 regarding delivery of packages to destination 26 (col.7 lines 35-37).

Therefore, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to include a code indicating a shipment of a vehicle to the teachings of Benson because a record of the shipment may be useful to dealers for tracking purposes, and they can verify the shipment if an information regarding it is needed by customers or dealers.

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*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Baker U.S. Patent No. 6,156,988 discloses a mail piece with an identifier and intended destination to simplify sorting and routing operations.

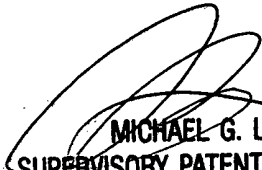
Onozaki U.S. Patent No. 6,026,378 discloses a warehouse managing system with an article code and location code put on an article.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kumiko C. Koyama whose telephone number is 703-305-5425. The examiner can normally be reached on Monday-Friday 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

kck  
June 3, 2002

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
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